

Schwegman ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INTERACTIVE MOTION SENSITIVE SENSOR**.

The specification of which was filed on <u>November 7, 2002</u> as application serial no. <u>10/290,097</u> and was amended on <u>November 7, 2002</u>.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number 60/279,520

Filing Date

March 28, 2001

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Filing Date: November 7, 2002

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. M	Reg. No. 24,916	Harris, Robert J	Reg. No. 37,346	Nelson, A. J	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Jackson Huebsch, Katharine A	Reg. No. 47,670	Nielsen, Walter W	Reg. No. 25,539
Beekman, Marvin L	Reg. No. 38,377	Jurkovich, Patti J	Reg. No. 44,813	Padys, Danny J	Reg. No. 35,635
Bianchi, Timothy E	Reg. No. 39,610	Kalis, Janal M	Reg. No. 37,650	Parker, J. K	Reg. No. 33,024
Billion, Richard E	Reg. No. 32,836	Klima-Silberg, Catherine I	Reg. No. 40,052	Peacock, Gregg A	Reg. No. 45,001
Black, David W	Reg. No. 42,331	Kluth, Daniel J	Reg. No. 32,146	Perdok, Monique M	Reg. No. 42,989
Brennan, Thomas F	Reg. No. 35,075	Lacy, Rodney L	Reg. No. 41,136	Peret, Andrew R	Reg. No. 41,246
Chadwick, Robin A	Reg. No. 36,477	Lemaire, Charles A	Reg. No. 36,198	Peterson, David C	Reg. No. 47,857
Clark, Barbara J	Reg. No. 38,107	Lundberg, Steven W	Reg. No. 30,568	Prout, William F	Reg. No. 33,995
Clise, Timothy B	Reg. No. 40,957	Lundberg, Steven W	Reg. No. 30,568	Puckett, Craig L	Reg. No. 43,023
Cochran, David R	Reg. No. 46,632	Maki, Peter C	Reg. No. 42,832	Schumm, Sherry W	Reg. No. 39,422
Dahl, John M	Reg. No. 44,639	Malen, Peter L	Reg. No. 44,894	Schwegman, Micheal L	Reg. No. 25,816
DeLizio, Andrew	Reg. No. 52,806	Mates, Robert E	Reg. No. 35,271	Speier, Gary J	Reg. No. 45,458
Drake, Eduardo E	Reg. No. 40,594	McCrackin, Ann M	Reg. No. 42,858	Steffey, Charles E .	Reg. No. 25,179
Embretson, Janet E	Reg. No. 39,665	McGough, Kevin J	Reg. No. 31,279	Stordal, Leif T	Reg. No. 46,251
Forrest, Bradley A	Reg. No. 30,837	McTavish, Hugh E	Reg. No. 48,341	Terry, Kathleen R	Reg. No. 31,884
Gorrie, Gregory J	Reg. No. 36,530	Mehrle, Joseph P	Reg. No. 45,535	Tong, Viet V	Reg. No. 45,416
Gortych, Joseph E	Reg. No. 41,791	Muller, Mark V	Reg. No. 37,509	Viksnins, Ann S	Reg. No. 37,748
Greaves, John N	Reg. No. 40,362	Nama, Kash	Reg. No. 44,255	Woessner, Warren D	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor r Citizenship: Post Office Address:	umber 1: Raymond J. Menard United States of America 906 East 1st Street	Residence: Hastings, MN	
Signature:	Hastings, MN 55033	Date: (0/10/03	
	aymond J. Menard	Date: 10/10/03	
Full Name of joint inventor r	number 2 : <u>McNeil Bryan</u>		
Citizenship:	United States of America	Residence: Amery, WI	
Post Office Address:	885 River Point	•	
	Amery, WI 54001		

Attorney Docket No.: 1383.040US2

Serial No. 10/290097

Filing Date: November 7, 2002

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

POLK COUNTY REGISTER OF DEEDS OFFICE

OFIGINAL CERTIFICATE OF DEATH

ORIGINAL CERTIFICATE OF DEATH

OTHER PLING DATE

Vol. 54.

Pg 348"

This	•					e ale		Š	_		1900			Ž		40				- 1, 1 	lan T	22	-	-	
is to c	. <u>§</u> &														- 1				7	70.07 70.07 70.07 40.07		4	.)		
ertify t		· ·								47				:				31		-			` <u>}</u>	} } }	₹ 8 #
hat thi					· 95									\	****			\.	۳. در	: -3() :	a Agenta	c	and and		b Whitoout
his is to certify that this document, which has a raised spal, contains a true and correct reproduction of facts on file with the	47. IF INJURY, DESCRIBE HOW INJURY OCCURRED	resulted industry (Decoming the Industry (Decoming in death)	aqueritaly my leading auso ENTE	reauting in death.)	Vear	65 PART I.—Enter the diseases, injuries or complications that caused the death. Do not enter the mode of dying such as cardiac or respiratory arrises, dispois or heart failure. Lat only one cause of death on each line, Do not list old age or senitly as sole cause.	8	V CERTIFIE	280 MEDICAL CENTE	A	(Check One)	CENTRE	E DEAL	V	Services		Wanda	Ear-Aug (\$-12)	V.	MN (County and an U.S.) 16. FAIRCH'S NAME	WI		8: OEATH AT HOSPITAL		
ment,	Y, DESCRIBE	y that inflated events rang in death)	noo. EVITER CHIEROSEA, V. Hendro of Principle V. Vendero of Principle VI. Control of Principle VII. Control of Principle VI. Control of Principle VII. Control of Pr	acth.)	ENATO CAUCO	AART I Enter the diseases, injuries or complications that caused the death. Do not enter the mode of dying such arrest, idipoid or heart failure. List only one cause of death on each line. Do not list old age or senility as sole cause	River	CEPTIFIERS MALING ADDRESS (Street, & Number, City, State, 219)		· Salud	9 9	3	20.5	0	AL CERVICE		Wanda	\$ (S)	White	MN	W			813	
which	TI'NG MOH 3	ě		` `	.0	diseases, antiallure.	Greet	MANUAL CHOCK	SHAN SHE		on the dynamic design was pronounced and occurred in the unique) and due to the charges and manner chated.	CORONERALE - On the back of examination and/or investigation.	CERTIFYING PHYSICIAN - To the bed of my transladge death was pronounced and occurred at the time(s) and due to the causes stated	6	CERNADE INCENSES (or bellow output to short)	⊴ Smooth		. S.	2, 40, 80	uney u not en	-	EP-FOR	DOA-From Nur. Hm.	E Cross	3
has a	AV OCCUR	(e)	E 13	9	Ē	. Inqualizes or List only o	Ċ.	2000 2000	1		one time con	E On the	PHYSICIA NO OCOURGO	1.60	(or person	For			9, 98,	100	Polk	T.		1	McNeil
raise	9	(DUE TO OH AS A CONSEQUENCE OF	(but to on as a consequence of)	100	(a) Chronical Constitution of the Chronical Ch	complicat	2350	33			amor clato	books of or	N - To the b	Ø.	ns cortuings	26. PLACE OF DISPOSITION Owner of comments, over Forest Lawyn Memorial Park		Angue		AIRCHAR			& DOA-From Other		
spal,		A CONSEC	ACCION	L	かんりょ	ons that ca	Seeda	Stato, ZVP)		B	200	ombation o	(o) and the	Ŀ		VIII PALED	쁄	NAMED FORCES?	TO NO. THE TAXABLE CHICAGO CLOCK MARCON. AC.	Frank	_	OF SECOND	on Open		
conta		VENCE OF	JOSPACE OF	Cono		aused the c	13			1	700 00 00	adior inves	to the cause	4210	306. WI LICENSE NO.	nortal F	Bryan	<u> </u>	Acads (N	# 1	Lincoln		10. OTHER PLACE	<u>}</u>	Вгупа
ins a		*	*	6/	Kin	leath. Don Donot list o	2000			1.0	mo(o) and	deaton	and state of		SE NO.	ark owner,		W	CUBEN, Mex	wood		Res. of decoased	¥ 700	Apr. 18, 1938	<
rue ar				7	ran!	ol enter the	5		38 2.¥	June		34. AC	Jun.	222 F	31. NAME /	or ester place)	885	Wanda	Can, etc.	•		acoused.	99	938	
d corr				Z	8	mode of c		2	ž K	Jun. 11, 2002	D LEZ	34. AUTOPSY PERFORMED?	33. DATE OF CEATH (No., Day, Yr.) Jun. 4. 2002	Williamson FM 222 Harriman Ave. N., Amery, WI. 54001	31, NAME AND MAILING ADDRESS OF FACILITY (Sheel and number		885 River Point, Amery	Words	Se	Втупа	Lincoln	885	E 20		বুঃ
ect re					Sa	lying such		۲	LICENSE N	200 F	4	XAMED?	(Mo., Day, 1	n Ave. P	ADDRESS	27. LOCATION, CRYVERIGHT CHINENS St. Paul IVIN	oint, A	Detri Bung	Self-employed			Ver	HOSPITAL (AND CANDUS) OR NURS! (If not in Hospital or Nursing Home give	Polk	<u> </u>
produc					120	as cardiac	-	ŝ V	_		1	 <u></u> [∛., Ашеı	OF FACILITY	NI POLITICALION	mery	ne, not men	oyed			oint	or Numbing Ho	0	071-38-0811
tion o						or respirat	June 14,	BONDIE J.	44. RECUSTRAN DICHATURS	Sec. Countries	Quede	Acciden	HIVED SO ESHAMM TE	y, WI.	(Sinesi or	eners deue	WI 54001		not enter 1		- T		Home give	183	2180
facts						y Ye	14, 20		CHATTURE	THE REST. CAPE VIL. SE	٥	ء ج _م [, EVS	1000	d number, C		01	Ev.	eurod')	MONEY CHARGE	8		G HOME: /	IOMAS)	
on file	,		-	 	10	9 5	2002	Hallber		0 va., ore 30	Panding	ğ	omicide		City, State, Zip)	25. DATE SIGNED BY PLACEN		Evans		一是。	. ₹	1000	# . ·	200	,
with			ļ.	6	SEVE	Interval betw	7*1		N.		apacay	AL PLACE OF	W.O. SIVO OF		9)	THE PARTY OF	Coyva		Securit	reso	Point	-	, c.8	ncola	
ΘĮ				1/3	7	3	7	12		0		OF BUILDING	ALL THE S		State.	BON BONIE					8 3.		LICENSE NO.		Ž
Wisconsin Vital Records Office		,	7	1	Christian					***		To Contract				29.0		*	BUSAKESS/ BROUSTRY	T DOG		Ŀ	, is	,	
in Vita			an	6	COURSE BAN	On Targo		X	5			(a)	β		,	6/10	, ion		DRT .) ' 	F	A couped	78.0	e r
Reco			4.1	700 K	0,10					San Cappen	日蘇	COLUMN CA	HOUR OF JOURN		417	60 E				Surn Surncine	540	orga J	ے ق		5
ords C			-	3		5		1	A	1000	8	CAT MODE	ANY .	A A	Sec. Sec.					V	2	S) downed	Storor Married	3	NE PO
ffice.			1 .	1 1/2					9 1	1 / 31		1		r" V	ا: پي			ref De	1 . ,	!	!	1 -	7		
100	٠,									STATE OF THE PARTY					KONG ST					۷٠.	:				
	À		_*		300									9	200						• : •	• .			
IH A					4424 4414	ar.	escii Nelv	ana Tari	٠	903 30				i. Li	-43 9	93699 1888	cocrete Notab	164 30	1		 	; · ,-			

BONNIE J. HALLBERG POLK COUNTY REGISTER OF DEEDS 519949 Date Issued: FEB VBK - HOLD TO LIGHT TO VER



STATE OF WISCONSIN)
)ss
COUNTY OF POLK)



AFFIDAVIT OF WANDA BRYAN

I, Wanda Bryan, residing at 885 River Point, Amery, WI 54001, do state under oath as follows:

- I am the surviving spouse of McNeil Bryan and as such am the legal representative of 1) McNeil Bryan, deceased.
- McNeil Bryan died on June 4, 2002 at Lincoln Township in Polk County, Wisconsin. 2)
- 3) McNeil Bryan left no will.
- No probate proceedings have been commenced in Polk County, Wisconsin or elsewhere 4) relating to the death of McNeil Bryan.
- 5) All property has been transferred according to Wisconsin law without a probate proceeding. If there were a probate proceeding commenced, it is likely that I would be appointed the personal representative.
- An application for Letters Patent of the United States was filed on behalf of McNeil 6) Bryan and Royal Thoughts, LLC, on November 7, 2002, which application was assigned U.S. patent application serial number 10/290,097 and is entitled INTERACTIVE MOTION SENSITIVE SENSOR.
- 7) Pursuant to an agreement between McNeil Bryan and Royal Thoughts, LLC, which is used to justify the assignment, McNeil Bryan was previously paid for his work related to the invention. It is my intent to execute the Assignment and other required and related documents on behalf of myself, as heir and McNeil Byron, deceased inventor.

Dated: /0//0 , 2003.

auch of Loper

Subscribed to and Sworn Before Me this /O day

G:\WPDATA\C\CRITICOM\007\DOC\AFFIDAVIT.DOC

